

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPEAL NO.891 OF 2022

Haridas S/o Sahadeo Dongare .Vs. State of Maharashtra, through P.S.O., P.S.
Balapur, Dist. Akola and another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri N.R. Tekade, Adv. for the applicant.

Ms Shamsi Haider, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 22/12/2022

1. Heard.
2. **Admit.**
3. The learned APP waives service of notice on behalf of the respondent/State.
4. Call record and proceedings.

CRIMINAL APPLICATION (APPA) NO.1158 OF 2022

5. This is an application for suspension of sentence and grant of bail.
6. The applicant was convicted for the offence punishable under Sections 354-A(1)(i) and Sections 7/8 and 11/12 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.5,000/-, in default to suffer simple imprisonment for three months.
7. I have perused the findings recorded by the learned trial Court in the impugned judgment and order and

thereupon, I am of the opinion that applicant is having arguable case and re-appreciation and reappraisal of the evidence is necessary in this case. There is no likelihood that this matter would come up for final hearing in near future. There is one more ground is that the applicant is on bail during the trial. Accordingly, I pass the following order:

- i. The criminal application is **allowed**.
- ii. The sentence imposed by the learned Extra Joint District Judge, in Spl. Child Prot. Case No.111 of 2020 vide judgment and order dated 10.11.2022, is suspended, till disposal of the appeal.
- iii. Bail as in the trial Court with fresh bonds.

JUDGE